

**CHIROPRACTIC EXAMINING BOARD
MADISON, WI
MINUTES
FEBRUARY 27, 2003**

PRESENT: Steven Conway; Susan Feith; Brouck Sleight, D.C;
James Rosemeyer, D.C.; James Weber, D.C.

EXCUSED: Char Glocke

STAFF PRESENT: Kimberly Nania, John Schweitzer, Patty Hoeft, Grace Schwingel, Barbara Showers, Lydia Bridge, Gail Pizarro

GUESTS: Bill Boissonnault, WPTA; Mark Grapentine, Wisconsin Medical Society; Dyanna Tillinger, WCA

CALL TO ORDER

Brouck Sleight, Vice Chair, called meeting to order at 8:00 a.m. A quorum of 5 members was present.

AGENDA

Additions to Agenda: Review of Applications for Endorsement for: Susan Jorde and Jason Denn; addendum: information regarding WCA's proposed legislation to be discussed before going into Closed Session; Letter from LIFE University. FYI-Deadline for nominations for FCLB and NBCE Annual Conferences. Under item P on the agenda there is a wording change to "objections on cost" for Mike LaBlanc instead of request for pre-hearing.

MOTION: James Rosemeyer moved, seconded by James Weber, to approve the agenda as amended. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Steven Conway moved, seconded by Susan Feith, to elect James Rosemeyer as Chair. Motion carried unanimously.

MOTION: Steven Conway moved, seconded by Susan Feith, to elect Bevier "Brouck" Sleight as Vice Chair. Motion carried unanimously.

MOTION: James Rosemeyer moved, seconded by James Weber, to elect Steven Conway as Secretary. Motion carried unanimously.

MINUTES OF JANUARY 16, 2003

Amendments: to minutes: It was noted that Brouck Sleight was out of room for the Board's deliberation of the case involving Harold Dykema, p. 6 of minutes.

MOTION: Susan Feith moved, seconded by Brouck Sleight, to approve the minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

SECRETARY DONSLIA STRONG HILL

Secretary Donsia Strong Hill gave a review of her professional background. She indicated there is a need for the Department to become more technologically advanced, using more technology to get license renewals on-line in a secure manner.

DEPUTY SECRETARY MARY SCHLAFER AND PATTY HOEFT, DIVISION ADMINISTRATOR OF BOARD SERVICES

Mary Schlafer, the newly appointed Deputy Secretary, and Patty Hoeft, the newly appointed Division Administrator of Board Services, were introduced to the Board and gave a brief review of their professional backgrounds.

PRESENTATION OF PROPOSED STIPULATIONS

MATHEW J. CHASE, D.C.

James Polewski presented the stipulation in the matter concerning Mathew Chase, D.C. The Board will deliberate on this matter in Closed Session.

SCOTT P. RISE, D.C.

Attorney Steven Gloe presented the stipulation in the matter concerning Scott Rise, D.C. This matter is under appeal. Char Glocke is the Case Advisor. Attorney Steven Glynn represented Scott Rise and presented information involving this case to the Board. The Board deliberated on this matter in Closed Session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

John Schweitzer reviewed the pending court cases to acclimate the newer board members to this process.

DISCUSSION RE: CE AUDIT (BARB SHOWERS)

Barbara Showers, Lydia Bridge and Gail Pizarro from the Exam Office presented information on continuing education (CE) audits and reviewed the options available to the Board for handling licensees who have not complied with CE requirements. Brouck Sleight will write an article for the Regulatory Digest regarding the need for compliance with CE requirements. John Schweitzer presented options for a series of increasing penalties depending on the nature of the non-compliance. Barbara Showers will prepare a list of options available to the Board and send to Board members.

CORRESPONDENCE FROM JIM BAGGIO, D.C., RE: CE COURSES

The Board reviewed the correspondence from Jim Baggio, D.C. and authorized Legal Counsel, John Schweitzer to respond on behalf of the Board.

CORRESPONDENCE FROM DAN OLSON, D.C., RE: CE EDUCATION CREDIT

The Board reviewed the correspondence from Dan Olson D.C., requesting an exception to the CE requirements. The Board would like to discuss the merits of this request for broader application for hardship circumstances such as being deployed in the armed forces at its next Board meeting. There is currently no provision in the Chiropractic statutes for granting an exception for hardship cases and the Board would like to consider the merits of making a provision to enable the Board to waive or extend CE requirements in special circumstances.

CORRESPONDENCE AND DISCUSSION RE: CHIROPRACTIC DEFINITIONS

The Board continued its discussion of defining chiropractic definitions. The Board would like to have this issue on its next agenda for further discussion. James Rosemeyer and Steven Conway will do some preliminary work in defining chiropractic terms and report back to the Board at its next meeting.

DISCUSSION RE: POST-GRADUATE PRECEPTORSHIP TERMINATION

The Board discussed issues involving the jurisprudence exam and post graduate Preceptorship. John Schweitzer will prepare an article dealing with the purpose of a Preceptorship for the next Regulatory Digest. The Board would like to have this issue on its next agenda for discussion on at the Board's next meeting.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA

None

DISCUSSION RE: ELECTRODIAGNOSTIC EVALUATION PROCEDURE

Brouck Sleight reported on his attempts to receive more information on the issue of the

electro diagnostic evaluation procedure. He received no responses to his inquiries on this matter. The Board would like to have this issue on its next agenda to discuss this practice further at its next meeting.

CORRESPONDENCE RE: FCLB AND NBCE ANNUAL CONFERENCE IN ORLANDO, FLORIDA

The FCLB and NBCE Annual Conference in Orlando, Florida will be held May 2, 2003. There is a moratorium on out-of-state travel, and the delegates will be unable to attend at this time. Kimberly Nania will inform the organization that the Wisconsin delegate will be James Rosemeyer, and James Weber will serve as an alternate.

Brouck Sleight was appointed to represent the Board April 25-26, 2003, in Greely to assist in writing questions for Part 3 of the exam. All travel expenses will be paid by the organization.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

John Schweitzer reviewed correspondence he had received from LIFE University, Lund Family Chiropractic and will respond as authorized by the Board.

DISCUSSION RE: WHETHER THE BOARD WISHES TO DELEGATE TO STAFF THE APPROVAL OF ENDORSEMENT CANDIDATES WHO HAVE MET ALL REQUIREMENTS AND HAVE NO DISCIPLINE OR CONVICTIONS; AND, THEIR SCHEDULING FOR THE NEXT JURISPRUDENCE EXAM

The Board expressed its interest in continuing to review all endorsement candidates due to the need to monitor test equivalencies to ensure that candidates meet Wisconsin's requirements for endorsement.

DISCUSSION RE: NAMBU DRIPAD'S ALLERGY ELIMINATION TECHNIQUE (NAET)

James Polewski distributed a pamphlet on NAET and the Board expressed an interest in getting more information on this procedure. The Board considered how it could best balance its desire to fulfill its mission to protect the public from health care techniques that are not therapeutic, without closing the door on new and innovative chiropractic techniques that may be helpful in treating some patients, and allowing the profession to grow. It was suggested that the Board obtain a list of the courses or techniques currently taught by the schools; Steven Conway will look into getting this information. The Board asked James Weber to gather more information on the NAET technique and report back to the Board at its next meeting.

DISCUSSION RE: WHETHER THE BOARD WISHES TO REVIEW THE RULES OR SET UP A SUBCOMMITTEE TO REVIEW THE RULES

The Board agreed to have John Schweitzer work with Steven Conway to review all of the Board's rules.

DISCUSSION RE: UTILIZATION REVIEWS

The Board would like to review a draft of the rule for its next meeting.

DISCUSSION OF WCA ISSUE

The Board would like a WCA representative to come discuss WCA issues with the Board at its next meeting. Questions for the WCA representative should be e-mailed to Steven Conway by March 13th and he will forward them to the WCA representative to review before the next Board meeting.

LIFE INFORMATION

There was a discussion regarding information received concerning the reinstatement of LIFE University.

CLOSED SESSION

MOTION: Steven Conway moved, seconded by Susan Feith, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of deliberating on stipulations, administrative warnings, monitoring requests, a respondent's petition for rehearing, a respondent's objections to costs, transcript of hearing in the Arizona Matter of Disciplinary Action, presentation of retake exams, Division of Enforcement Case Status Report, Consult with Legal Counsel, and a review of 2 endorsement requests. Motion carried by roll call vote. Steven Conway-yes, Susan Feith-yes, Brouck Sleight-yes, James Rosemeyer-yes, James Weber-yes.

Open Session recessed at 11:10 am.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Steven Conway moved, seconded by James Weber, to reconvene into Open Session at 12:50 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

STIPULATION

MATHEW J. CHASE, D.C.

MOTION: Brouck Sleight moved, seconded by Susan Feith, to adopt the Findings of Fact, Conclusions of Law, and Order, and approve the stipulation in the matter concerning Mathew J. Chase, D.C., clarifying that he needs to take one 12-hour course which will satisfy both items a) and b) of the stipulation and must complete the course within six months. Motion carried unanimously.

PROPOSED STIPULATION FOR INTERIM ORDER

SCOTT P. RISE, D.C.

MOTION: James Weber moved, seconded by Brouck Sleight, to accept the Findings of Fact, Conclusions of Law, and Order, and approve the stipulation in the matter concerning Scott P. Rise, D.C. Motion carried unanimously.

MONITORING - REQUEST FOR LICENSURE REINSTATEMENT

RICHARD HORAITIS, D.C.

MOTION: Steven Conway moved, seconded by James Weber, to reinstate the license of Richard Horaitis, D.C. with limitations as recommended by the assessor, with some modifications. Motion carried unanimously.

ENDORSEMENTS

SUSAN JORDE, D.C.

MOTION: Brouck Sleight moved, seconded by James Weber, to accept the application by endorsement for licensure of Dr. Susan Jorde. Motion carried unanimously.

JASON DENN, D.C.

MOTION: Steven Conway moved, seconded by Susan Feith, to accept the application by endorsement for licensure of Dr. Jason Denn. Motion carried unanimously.

MONITORING - REQUEST FOR LICENSURE REINSTATEMENT

RICHARD GOLDE, D.C.

MOTION: Brouck Sleight moved, seconded by Steven Conway, to deny the request of Richard Golde, D.C. to have his license reinstated. He must pay all costs before applying for reinstatement. Motion carried unanimously.

RESPONDENT'S PETITION FOR REHEARING

MICHAEL R. LABLANC, D.

MOTION: Steven Conway moved, seconded by Susan Feith, to deny the request of Michael LaBlanc's petition for reduction of payment of costs. Motion carried unanimously.

TRANSCRIPT OF HEARING IN THE ARIZONA MATTER OF DISCIPLINARY ACTION AGAINST

RANDALL WITTMAN, D.C.

MOTION: Brouck Sleight moved, seconded by James Weber, to allow the application of Randall Wittman, D.C. to proceed noting that actions taken against him in Arizona do not impede Wisconsin application. Motion carried unanimously.

PRESENTATION OF RETAKE EXAMS (GAIL PIZARRO)

Gail Pizarro reported on the Retake Exams. 100% passed on the last exam.

MOTION: Susan Feith moved, seconded by James Weber, to approve the retake scores for the retake exams. Motion carried unanimously.

DIVISION OF ENFORCEMENT - CASE STATUS REPORT

MOTION: James Weber moved, seconded by Susan Feith, to close **020 CHI 032** for insufficient evidence for Draeger. Steven Conway abstained and left the room while this case was discussed. Motion carried.

MOTION: James Weber moved, seconded by Susan Feith, to close **020 CHI 032** for no violation for Bautsch. Steven Conway abstained and left the room while this case was discussed. Motion carried.

MOTION: James Weber moved, seconded by Brouck Sleight, to close case **02 CHI 027** for administrative closure for Rise. Motion carried unanimously.

MOTION: James Weber moved, seconded by Brouck Sleight, to close case

02 CHI 027 for no violation on Ropicky. Motion carried unanimously.

MOTION: James Weber moved, seconded by Brouck Sleight, to issue an administrative warning on case **01 CHI 031**. Motion carried unanimously.

INFORMATIONAL ITEMS

Noted

OTHER BOARD BUSINESS

The Board would like to add laser techniques for discussion at the Board's next agenda.

It was noted that there were 3 HIPAA seminars approved for continuing education credits that shouldn't have been approved for CE credits because it was not clinical. These seminars were given by 4 schools for CE credits. This information will be forwarded to the Exam Office.

MOTION: Brouck Sleight moved, seconded by James Weber, to notify 5 schools: Northwestern, Life West, Cleveland, National and Parker, that their HIPAA seminars are not approved for continuing education credits in Wisconsin. Motion carried unanimously.

ADJOURNMENT

MOTION: James Weber moved, seconded by Steven Conway, to adjourn the meeting at 1:15 p.m. Motion carried unanimously.

Next Meeting: Thursday, March 20, 2003 – 8:00 a.m. – Room 179A